

NOTICE OF APPEAL

IN THE COURT OF COMMON PLEAS  
OTTAWA COUNTY, OHIO

FILED  
COMMON PLEAS COURT  
2012 JAN 10 PM 1 23

TOM E. LENTHE *Lauren*

Case No.11 CV 128F

JENNIFER WILKINS  
CLERK OF COURTS  
OTTAWA COUNTY, OHIO

Plaintiff,

Judge Bruce Winters

Vs.

OHIO ATTORNEY  
GENERAL'S OFFICE  
RECEIVED

DIRECTOR, DEPARTMENT  
OF JOB AND FAMILY SERVICES,

JUDGMENT ENTRY

JAN 12 2012

Defendant.

TOLEDO, OHIO

This matter is before the Court on an Administrative Appeal from a Decision of the Unemployment Compensation Review commission, said appeal filed pursuant to ORC 4141.281.

The role of the Common Pleas Court in this type of appeal is limited to determining whether Commission's decision was unlawful, unreasonable or against the manifest weight of the evidence. This is not a hearing de novo. *Tzangas, Plakas & Manos v Ohio Bur. Of Empl.Serv.* (1995) 73 Ohio St.3d 694. As long as there is competent credible evidence in the record that would support the Decision of the Review Commission, the Review Commission's Decision must stand. *Cent.Ohio Vocational School Dist. Bd. Of Edn v Admr., Ohio Bur of Emp Services* (1986) 21 Ohio St.3d 5,8.

This case turns on the timeliness of the appeal. Appellant admits losing track of the email containing the Directors' Redetermination issued on April 30, 2010. A

redetermination affirmed the denial of benefits. A redetermination was issued on April 30, 2010 and affirmed the determination that appellant is ineligible to receive, and was overpaid, benefits. The redetermination listed the deadline for filing a timely appeal would be May 21, 2010. Appellant missed this deadline, filing his appeal on July 30, 2010. RC 4141.281(D)(1). Appellant does not address this issue in his brief but asks the court to determine the merits of his claim for benefits.

Considering the transcript of proceedings and all the evidence adduced herein, this Court cannot say that the Decision by the Review Commission was "so manifestly contrary to the natural and reasonable inferences to be drawn from the evidence as to produce a result in complete violation of substantial justice...." *Sambunjak v Bd. of Rev.* (1984) 14 Ohio App.3d 432, 433. Appellant was notified of the deadline for the appeal but missed the deadline. The dismissal of the appeal is affirmed.

Accordingly, the Decision of the Review Commission is upheld and the appeal is dismissed at the costs of Appellant.

**Clerk of Courts shall send copies of this order to all parties of record or their counsel within three days by regular US Mail.**



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Bruce Winters, Judge